

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MRI SOFTWARE LLC,)	CASE NO. 1:12CV1082
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
Vs.)	
)	
LYNX SYSTEMS, INC.,)	<u>ORDER</u>
)	
Defendant.)	

CHRISTOPHER A. BOYKO, J:

This matter is before the Court on Defendant Lynx Systems, Inc.’s Motion for Clarification of Status of MRI Software’s Motion to Show Cause (ECF # 91). According to Lynx, the parties dispute the meaning of the Court’s April 8, 2013 Order (ECF # 64). That Order was issued in response to Plaintiff’s Motion to Show Cause Why Defendant Should not be Held in Contempt of the November 9, 2012 Injunction Order (ECF # 40). While the April 8, 2013 Order addressed several issues presented to the Court, one of the issues concerned the adequacy of the Defendant’s response to Plaintiff’s Show Cause Motion. The Court ordered Defendant and its counsel to submit affidavits attesting to Defendant’s compliance with the parties Stipulated Injunction Order. The Court’s Order specifically stated, “upon receipt of the above ordered filings, the Court will determine how to proceed.”

Nothing in the Court's written order could plausibly be construed as finding Defendant in contempt of the Stipulated Injunction Order. Instead, the Court granted the Motion insofar as it requested the Court order Defendant to show cause why it was not in contempt which the Court expressly did by ordering the affidavits. Clearly, Plaintiff's understood this since not more than a week later it filed a request to respond to the affidavits of counsel and Defendant which the Court subsequently allowed. Therefore, the Court has not determined that Defendant is in contempt of the Stipulated Injunction Order. Because that matter is pending before the Court, the Court orders the parties to confer and submit agreed upon dates for a hearing on Plaintiff's Show Cause Motion. The Court will conduct the hearing in the next thirty days so the parties shall submit agreed upon dates no later than Friday October 4, 2013.

The hearing shall be oral arguments only on the briefs, affidavits and supporting materials. This is not an evidentiary hearing. Parties shall be limited to one-half hour each.

IT IS SO ORDERED.

s/ Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

Dated: September 30, 2013